



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

May 16, 2023

Re: FOIA Request NLRB-2023-001150

Dear Gaetano Urgo (Davis & Campbell, LLC):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on March 28, 2023, in which you seek certifications for bargaining units in the following cases: 28-RC-974, 28-RC-5088, 28-RC-856, 28-RC-5091, 28-RC-857, 28-RC-858, 28-RC-863, 21-RC-769, 28-RC-769, and 28-RC-5099.

We acknowledged your request on March 28, 2023.

In an email to a member of my staff on March 30, 2023, you agreed to assume fees up to \$92.50 for the processing of your request. In a telephone conversation with a member of my staff on May 12, 2023, you were informed that after conducting various searches and reaching out to other departments within our Agency, we were unable to locate any records responsive to your request. Further, you were also informed that our Office contacted the NLRB Case Records Unit Staff who conducted searches and confirmed that Case No. 28-RC-974 was selected for permanent retention and is now under the custody and control of the National Archives and Record Administration (NARA). However, our search did locate a Board Decision in *Kennecott Copper Corp.*, Case No. 28-RC-856, which includes references to Case Nos. 28-RC-857, 28-RC-858, 28-RC-863, and 28-RC-974. You, therefore, narrowed the scope of your request to seek a copy of that record, which is attached. No information has been withheld or redacted. Your request is, therefore, granted in full.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests “from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you “will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the

records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Two hours and thirty minutes of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$92.50.

Payment Instructions: We are no longer accepting checks or money orders as payment. To submit payment for your FOIA request, please use www.pay.gov. From the www.pay.gov home page, scroll down to the bottom left corner to select “Pay a FOIA Request.” Click “See all options” and go to “Filter By Agency” to check the box for the National Labor Relations Board. Continue following instructions on the website. Please remember to include the Invoice Number, which is the NLRB FOIA Case No., and the amount you intend to pay. Further, please be advised that all FOIA payments must be paid in full before any future FOIA requests are processed.

You may contact Lalitta Gillis, the FOIA Specialist who processed your request, at (202) 273-0101 or by email at Lalitta.Gillis@nrlb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770

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Toll free: (877) 684-6448

Fax: (202) 741-5769

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (eight pages)